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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 **DIANA ACOSTA,**

16 Plaintiff,

17 v.

18 **USAA CASUALTY INSURANCE**
19 **COMPANY; a foreign corporation ;DOES**
20 **II-X, inclusive, ROE CORPORATIONS**
21 **XI-XX, inclusive,**

22 Defendants.

23 Civil Action No. 2:22-cv-01564

24
25 **STIPULATION TO DISMISS**
26 **PLAINTIFF'S SECOND, THIRD**
27 **AND FOURTH CAUSES OF**
28 **ACTION AND REQUEST FOR**
29 **EXEMPLARY DAMAGES AND**
30 **ATTORNEY'S FEES WITHOUT**
31 **PREJUDICE**

32
33 USAA Casualty Insurance Company (“Defendant”) and Diana Acosta (“Plaintiff”)
34 and together with Defendant, collectively referred to as the “Parties” hereby stipulate as
35 set forth below:

36
37 Defendant filed a Motion to Dismiss on September 23, 2022. ECF No. 6. Plaintiff
38 filed a response to the Motion to Dismiss (“Opposition”) on October 6, 2022. ECF No. 8.
39 Defendant filed its Reply in Support of its Motion to Dismiss on October 18, 2022. ECF
40 No. 12. Thereafter, the Parties agreed to resolve the Motion as follows: Plaintiff agreed to
41 dismiss her second, third, and fourth causes of action and strike her request for exemplary
42 damages and attorney’s fees, *without prejudice*. As such, the Parties agree: (1) Plaintiff’s
43 only remaining cause of action is her first cause of action for breach of contract and (2)
44 Defendant’s Motion to Dismiss, ECF No. 6, is now moot.

The Parties further agree that USAA CIC shall answer Plaintiff's breach of contract cause of action by November 1, 2022.

Dated this 19th day of October, 2022.

Dated this 19th day of October, 2022.

HICKS & BRASIER, PLLC

SPENCER FANE LLP

By: /s/ Charles Jackson
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ORDER

IT IS SO ORDERED.

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 20th day of October, 2022.